



# House of Representatives

General Assembly

**File No. 504**

*January Session, 2007*

House Bill No. 7128

*House of Representatives, April 16, 2007*

The Committee on Government Administration and Elections reported through REP. CARUSO of the 126th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING SAFETY IN STATE CONTRACTING PROJECTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1      Section 1. (NEW) (*Effective from passage*) (a) Notwithstanding any  
2      other provision of the general statutes, any public safety construction,  
3      maintenance or repair project that is authorized by a state contracting  
4      agency, the Joint Committee on Legislative Management, the Judicial  
5      Department or a constituent unit of higher education, shall be  
6      inspected for compliance with the applicable public safety laws and  
7      regulations and shall have any certificate of compliance issued by a  
8      full-time employee of the state.

9      (b) For the purposes of this section, "public safety construction,  
10     maintenance or repair project" means any project that exceeds one  
11     hundred thousand dollars and is for the construction, maintenance or  
12     repair of any state-owned or state-controlled property, building,  
13     facility, roadway, bridge or drainage system. "State contracting

14 agency" means any state agency that is authorized by law to enter into  
15 contracts, including, but not limited to, any quasi-public agency, as  
16 defined in section 1-120 of the general statutes, and any state agency,  
17 as defined in section 4a-50 of the general statutes, that receives state  
18 funds.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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**TRA**      *Joint Favorable C/R*

GAE

**GAE**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Various State Agencies	Various - Cost	Significant	Significant

**Municipal Impact:** None

**Explanation**

The bill requires that any state project involving public safety construction, maintenance, or repair, exceeding \$100,000 be inspected for compliance with applicable public safety laws and regulations by a full-time state employee. Since the bill does not specify which state agency would be responsible for inspecting these projects, it is uncertain whether the Office of the Building Inspector and the Office of the Fire Marshal within the Department of Public Safety (DPS), or individual state agencies, or category of agencies, involved in construction projects would be responsible for inspection. Additionally, it is unclear as to which public safety laws and regulations may apply to each individual project, and if they would change based on the type of project being completed.

There are several scenarios that could develop as a result of the language in the bill: (1) DPS could be primarily responsible for conducting such inspections, (2) the Department of Transportation (DOT) could be responsible for inspecting any projects related to transportation construction, maintenance, or repairs, and (3) each state agency would be responsible for appointing, internally, a full-time employee to complete the inspections.

**Department of Public Safety**

If DPS were primarily responsible for completing the inspections, it is estimated that the department would need significant staff resources in order to comply with the bill. A study conducted in the mid 1990's concluded that the agency would need 56 additional employees at an annualized cost of approximately \$5.15 million in current dollars, including fringe benefits<sup>1</sup> and expenses.<sup>2</sup>

**Table 1** below illustrates the additional employees that could be required to carry out the provisions in the bill.

<b>Table 1</b>		
<b># Positions</b>	<b>Title</b>	<b>Salary (\$)</b>
1	Technical Services Manager	71,309
2	Public Safety Building Official Supervisor	56,649
2	Fire & Life Safety Supervisor	51,473
5	Public Safety Building Official	46,891
5	Fire & Life Safety Specialist	46,891
5	Building Construction Specialist 2 (Elec.)	51,473
5	Building Construction Specialist 2 (Mech.)	51,473
8	Building Construction Specialist 1	46,891
10	Building & Fire Safety Inspector 1	45,640
11	Building Plan Reviewer	45,640
2	Secretary 1	35,920

### **Department of Transportation**

If DOT were to inspect all transportation related projects the agency would require five additional staff at a cost of \$270,000 annually in order to inspect and certify any project valued at \$100,000 or more meets public safety laws and regulations. These costs would reduce

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<sup>1</sup> The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The estimated first year fringe benefit rate for a new employee as a percentage of average salary is 25.8%, effective July 1, 2006. The first year fringe benefit costs for new positions do not include pension costs. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS 2006-07 fringe benefit rate is 34.4%, which when combined with the non pension fringe benefit rate totals 60.2%.

the DPS costs described above.

This could also result in additional significant costs to the DOT construction. The bill may lead to project delays which might interfere with construction start dates and require: (1) renegotiation of contracts or (2) contract amendments and change orders. Since projects are financed with bond funds, any increase in construction costs would result in Transportation Fund (DOT) debt service costs.

### **Various State Agencies**

It is unknown how much it would cost for individual agencies to conduct their own inspections but the cumulative cost is anticipated to be significant.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and changes in fringe benefits.

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<sup>2</sup> Expenses include vehicles for 50 staff (\$15,000 per vehicle) and office equipment and computers (\$2,000 per staff). This does not include any costs for expansion of facilities to accommodate these additional staff.

**OLR Bill Analysis****HB 7128*****AN ACT CONCERNING SAFETY IN STATE CONTRACTING PROJECTS.*****SUMMARY:**

This bill requires any public safety construction, maintenance, or repair project authorized by (1) a state contracting agency, (2) the Joint Committee on Legislative Management, (3) the Judicial Department, or (4) a constituent unit of higher education to be inspected for compliance with the applicable public safety laws and regulations and have any certificate of compliance issued by a full-time state employee. A "state contracting agency" is any state agency authorized to enter into contracts, including a quasi-public agency, and any state agency receiving state funds. Projects subject to the bill's requirements include any project that exceeds \$100,000 and is for the construction, maintenance, or repair of any state-owned or state-controlled property, building, facility, roadway, bridge, or drainage system.

The bill does not specify the public safety laws and regulations to which it may apply and this is likely to differ based on the type of project. For example, the state building and fire codes might be among the state public safety laws applicable to a project involving a state building, but not necessarily for one involving a highway or bridge. For highways or bridges, the contracting agency's contract specifications might be considered applicable.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Change of Reference

Yea 34      Nay 0      (03/14/2007)

Government Administration and Elections Committee

Joint Favorable

Yea 13      Nay 0      (03/28/2007)